IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

Crl.Rev.Pet.No. 232 of 1998()

CC.413/1993 of JUDL.MAGISTRATE OF FIRST CLASS-I, KOLLAM
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REVN. PETITIONER:

K.RAMACHANDRAN NAIR, KUZHINELLIL,
KURIPUZHA CHERRY, THRIKADAVOOR VILLAGE,
KOLLAM.

BY ADV. SRI.T.R.ASWAS

RESPONDENTS:
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1. THE S.I. OF POLICE, ANCHALUMMOODU, KOLLAM.
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT
OF KERALA, ERNAKULAM.

2. THANKACHAN @ PHILIP, S/O. GEORGE,
CHERUPUSHPALAYAM VEEDU, KUREEPUZHA CHERI,
THRIKKADAVOOR VILLAGE.

3. GEORGE, S/O. PHILIP, -DO- -D0-

4. AJAYAN, S/O.VELAYUDHAN, PULVILA KIZHAKKETHIL,
-DO - -DO-

5. PRASANNAN, S/O. SIVADASAN, -DO- -DO-

6. KUNJU MON, S/O. NARAYANAN -DO- -DO-

BY ADV. SRI.B.SURESH KUMAR
SMT.K.GIRIJA
SMT.K.A.MAYA
PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J.

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Crl.R.P.No.232 of 1998

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Dated this the 16th day of August, 2007

O R D E R

The revision petitioner is the de facto complainant who had initiated proceedings against the accused for the offences under Sections 143, 147, 148, 149, 506(ii), 447 and 427 of the Indian Penal Code.

2. It is the prosecution case that on 27/02/1992 at 10.30 p.m., the accused 1 to 5 formed themselves into an unlawful assembly and trespassed into the property of CW.1/DW.1 and cut down trees standing on the western side of the property and destroyed the fencing causing a loss of about Rs.7000/-.

3. The evidence adduced in the matter consisted of the testimony of PWs.1 to 7 and Exts.P1 to P5.

4. It is pointed out that at the very beginning of the judgment itself, the court had gone wrong as it is mentioned that the complainant had been attacked. There is no such case. Moreover, the judgment is a very cryptic one wherein there is no discussion of the evidence adduced in the matter.

In the circumstances, I find that the court has not considered the evidence adduced in the matter at all. It appears to be only the ipso dixit of the court, hence, the decision of the court below is set aside. The matter is remitted back to the court below. The court below is directed to hear both the parties and dispose of the matter by a reasoned judgment. The matter will stand posted before the court below on 25/09/2007.

K.R.UDAYABHANU,
Judge

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K.R.UDAYABHANU, J.

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Crl.R.P.No.232 of 1998

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O R D E R

16th August, 2007